

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

INTERFRESH, INC., et al.,

Plaintiffs,

v.

WASIL OBAID, et al.,

Defendants.

Case No. 18-cv-05674-EMC

**TEMPORARY RESTRAINING ORDER
AND ORDER TO SHOW CAUSE RE
PRELIMINARY INJUNCTION**

Docket No. 5

Upon review of the Complaint of Plaintiffs INTERFRESH INC. and QUEBEC DISTRIBUTING CO., INC., (hereinafter "Plaintiffs"), and the declarations, exhibits and Memorandum of Points and Authorities in support of Plaintiffs' Application for a Temporary Restraining Order and/or Preliminary Injunction submitted therewith, and it appearing to the satisfaction of the Court that this is a proper case for granting a Temporary Restraining Order and Order to Show Cause,

IT IS HEREBY ORDERED that Defendants WASIL OBAID, individually and doing business as FRISCO WHOLESALE PRODUCE, also trading as FRISCO WHOLESALE ("Frisco"); NEJI MEJRI, individually and doing business as Frisco; SAMIR HASSINE, individually and doing business as Frisco; and Frisco (collectively "Defendants") appear in **Courtroom 5 of the U.S. District Court for the Northern District of California, 450 Golden Gate Avenue, 17th Floor, San Francisco, CA 94102 on October 1, 2018, at 1:30 PM**, or as soon thereafter as the matter may be heard, to show cause why they, their agents, bankers, subsidiaries, successors, assignees, principals, employees, officers, directors, shareholders,

1 attorneys, and representatives should not be restrained and preliminarily enjoined during the
2 pendency of this action, pursuant to Rule 65 of the Federal Rules of Civil Procedure, from
3 engaging in, committing, or performing directly and indirectly, any and all of the following acts:

4 A. Removing, withdrawing, transferring, assigning or selling to any other person or
5 entity, the proceeds from the sales of any or all existing or future inventories of food or other
6 products derived from perishable (including frozen) agricultural commodities, and/or receipts of
7 payment for products sold prior to the date of this order and/or otherwise disposing of assets,
8 books or funds;
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10 B. Taking any other action whatsoever which causes, has the effect of causing, or
11 which otherwise dissipates Plaintiffs' beneficiary interests in trust assets of the Perishable
12 Agricultural Commodities Act ("PACA") [7 U.S.C. §499e, *et seq.*];

13 C. Taking any other action whatsoever which violates 7 U.S.C. §499e(c)(1) through
14 (4), inclusive, and 7 U.S.C. §499b(4) [§2 of PACA].
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16 **IT IS FURTHER ORDERED** that Defendants and their owners, officers, directors,
17 shareholders, employees, agents, subsidiaries, successors, assignees, principals, assignors,
18 attorneys and persons acting in concert with them, appear at the same time and place to show
19 cause why they should not be ordered by this Court to distribute PACA trust assets in the amount
20 of at least \$104,651.37, consisting of the cumulative principal sum due of \$89,972.45 (itemized as
21 \$32,294.40 due to Interfresh and \$57,678.05 due to Quebec), plus contractual finance charges
22 accrued through September 17, 2018 in the cumulative amount of \$7,761.42 (itemized as
23 \$3,827.89 due to Interfresh and \$3,933.53 due to Quebec), plus reasonable attorneys' fees in the
24 amount of \$6,517.50, plus filing fees of \$400.00, as of the date hereof.
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26 **IT IS FURTHER ORDERED** that pending the hearing and determination of the
27 foregoing Order to Show Cause, Defendants and their officers, directors, shareholders, employees,
28 agents, bankers, subsidiaries, successors, assignees, principals, attorneys, and persons acting in

1 concert with them shall be and hereby are restrained from engaging in, committing, or performing
2 directly and indirectly, any and all of the following acts:

3 D. Transferring, withdrawing, or in any other manner removing PACA trust assets,
4 including funds on deposit in Defendants' banking accounts, including but not limited to
5 Defendants' Frisco Wholesale Produce accounts held at Bank of America, N.A., including but not
6 limited to account number XXXXXXXXX4812, and any other accounts subsequently discovered to
7 be standing in Defendants' names, or any one of them;
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9 E. Removing, withdrawing, transferring, assigning or selling to any other person or
10 entity, the proceeds from the sales of any or all existing or future inventories of food or other
11 products derived from perishable agricultural commodities, and/or receipts of payment for
12 products or crops sold prior to the date of this order and/or otherwise disposing of assets, books or
13 funds;
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15 F. Taking any other action whatsoever which causes, has the effect of causing, or
16 which otherwise dissipates Plaintiffs' beneficiary interests in the trust assets;

17 G. Taking any other action whatsoever which violates 7 U.S.C. §499e(c)(1) through
18 (4), inclusive, and 7 U.S.C. §499b(4) [§2 of PACA].

19 **IT IS FURTHER ORDERED** that in the event Defendants lack sufficient funds to
20 promptly deposit the sums described above, Defendants shall be and hereby are required and
21 ordered to provide within one week of this Order an accounting to the Court and Plaintiffs of all
22 assets of the PACA trust from commencement of Defendants' business through the date of this
23 Order.
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25 **IT IS FURTHER ORDERED** that Bank of America, N.A. release, in confidence,
26 information to Plaintiffs' counsel about the above-described accounts, including the amounts
27 contained in the accounts, in confidence and only to the extent necessary to verify compliance
28 with the terms of this Order.

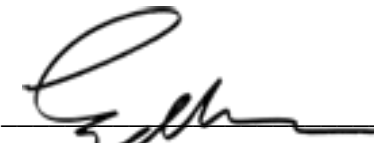
1 **IT IS FURTHER ORDERED** that no bond shall be required to be posted by Plaintiffs
2 before the Temporary Restraining Order is effective.

3 **IT IS FURTHER ORDERED** that Plaintiffs shall serve Defendants with copies of this
4 Order and all pleadings and other papers in support of the Order on or before September 20, 2018
5 by Federal Express with verification of receipt. Defendants shall file an Opposition, if any, to the
6 Order to Show Cause on or before 5 PM on September 28, 2018, and shall personally serve
7 Plaintiffs' counsel with a copy of said Opposition by said deadline.
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9 This Order disposes of Docket No. 5.

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11 **IT IS SO ORDERED.**

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13 Dated: September 17, 2018.

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16 EDWARD M. CHEN
17 United States District Judge
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